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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,969	03/01/2006	Thomas Ficker	017P34WOUS	7341
36608 7590 11/23/2010 GUIDRUN E. HUCKETT DRAUDT SCHUBERTSTR. 15A WUPPERTAL, 42289 GERMANY				
EXAMINER				
OMCBA, ESSAMA				
ART UNIT		PAPER NUMBER		
3726				
MAIL DATE		DELIVERY MODE		
11/23/2010		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,969

Applicant(s)

FICKER ET AL.

Examiner

Essama Omgba

Art Unit

3726

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14, 16-20 and 22-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14, 16-20 and 22-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 14, 18, 29 and 30 are rejected under 35 U.S.C. 102(b) as being anticipated by Kilp et al. (US Patent 3,409,973).

Kilp et al. discloses a cold rolling method for producing an annular composite workpiece wherein a first hollow cylindrical workpiece 18 is inserted into a second hollow cylindrical workpiece 20, the workpieces being made of different materials, and axial roll forming a composite workpiece of the first and second hollow cylindrical workpieces, the axial roll forming being performed by pressing the first and second hollow cylindrical workpieces against each other between two diametrically opposed outer roll forming tools (12, 14), wherein a mandrel 24 is inserted inside hollow cylindrical workpiece 18, see column 5, lines 58-75 and column 6, lines 1-8.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 16, 17, 19, 20 and 22-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kilp et al.

Regarding claims 16 and 17, Kilp et al. discloses a cold rolling method as shown above. Although Kilp et al. does not specifically disclose the first and second hollow cylindrical workpieces having radial play relative to one another such that they can barely be inserted by hand, however it would have been obvious to one of ordinary skill in the art at the time the invention was made that providing the first and second hollow cylindrical workpieces having radial play relative to one another such that they can barely be inserted by hand is an obvious matter of design choice. Further Applicant should note that the method of Kilp et al. could be used for rings or pipes, the rings or pipes being either loosely inserted into each other or having radial play relative to one another such that they can barely be inserted by hand.

Regarding claims 19 and 20, Kilp et al. discloses a material between the first and second hollow cylindrical workpieces. Regarding the recitation of the layer being an aluminum layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have selected whatever material was expedient in the method of Kilp et al., since it has been held to be within the general skill level of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Regarding claims 22-28, Applicant should note that Official Notice is taken in that such composite workpieces are conventional in the art and such composite workpieces could be made by the method of Kilp et al.

5. Claims 14, 16-20 and 22-30 are, *in the alternative*, rejected under 35 U.S.C. 103(a) as being unpatentable over Winter (US Patent 3,509,617) in view of Kilp et al.

With regards to claims 14, 29 and 30, discloses a cold rolling method for producing an annular composite workpiece wherein a first hollow cylindrical workpiece is inserted into a second hollow cylindrical workpiece, the workpieces being made of different materials, and forming a composite workpiece of the first and second hollow cylindrical workpieces by rotary swaging, see column 2, lines 21-37. Winter does not disclose using axial roll forming to press the first and second hollow cylindrical workpieces against each other between two diametrically opposed outer roll forming tools (12, 14), wherein a mandrel 24 is inserted inside hollow cylindrical workpiece, however Kilp et al. teaches using axial roll forming to form a composite hollow workpiece by using two diametrically opposed outer roll forming tools (12, 14), wherein a mandrel 24 is inserted inside the inner hollow cylindrical workpiece, see column 3, lines 16-40, column 5, lines 58-75 and column 6, lines 1-8. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have substituted the rotary swaging of Winter with the axial roll forming of Kilp et al., in order to avoid subsequent treatments of the composite workpiece.

Regarding claims 16-18, Applicant should note that the method of Winter/Kilp et al. could be used for rings or pipes, the rings or pipes being either loosely inserted into

each other or having radial play relative to one another such that they can barely be inserted by hand.

Regarding claims 19 and 20, see Kilp et al. teaches a material between the hollow cylindrical workpieces. Regarding the recitation of the layer being an aluminum layer, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to have selected whatever material was expedient in the method of Winter/Kilp et al., since it has been held to be within the general skill level of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious design choice. *In re Leshin*, 125 USPQ 416. See also *Ballas Liquidating Co. v. Allied industries of Kansas, Inc.* (DC Kans) 205 USPQ 331.

Regarding claims 22-28, Applicant should note that Official Notice is taken in that such composite workpieces are conventional in the art and such composite workpieces could be made by the method of Winter/Kilp et al.

Response to Arguments

6. Applicant's arguments with respect to claims 14, 16-20 and 22-30 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Essama Omgba whose telephone number is (571) 272-4532. The examiner can normally be reached on M-F 9-6:30, 1st Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Essama Omgba/
Primary Examiner, Art Unit 3726

eo
November 20, 2010